

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

J.C. BRYANT,)
)
Plaintiff,)
)
vs.) Case No. 4:22-CV-660 HEA
)
M.D.O.C., et al.,)
)
Defendants.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. On June 16, 2022, self-represented plaintiff submitted a sixty-five page Prisoner Civil Rights Complaint pursuant to 42 U.S.C. § 1983. ECF No. 1. Plaintiff drafted his statement of claim on approximately thirty-six pages of notebook paper asserting various claims against twenty-seven defendants in their official and individual capacities. The Court received the filing on July 21, 2022 accompanied by an application to proceed in district court without prepaying fees or costs, ECF No. 2, and a motion for appointment of counsel, ECF No. 3.

On June 29, 2022, the Court reviewed plaintiff's complaint pursuant to 28 U.S.C. § 1915, granted his motion to proceed *in forma pauperis*, and denied his request for appointed counsel. ECF No. 4. The Court determined the complaint was subject to dismissal because the claims brought against the defendants did not arise out of the same transactions or occurrences, and did not share a question of law or fact common to all of the named defendants. In addition to the joinder issue, the Court explained that the complaint was defective because plaintiff failed to comply with Fed. R. Civ. P. 8(a)(2), which requires a short and plain statement of claims. In consideration of plaintiff's self-represented status, the Court directed him to file an amended

complaint to cure his pleading deficiencies. Plaintiff was mailed the appropriate Court-form and provided specific instructions on how to submit his amendment. He was warned that his failure to timely comply would result in the dismissal of this action without prejudice and without further notice. Plaintiff had until July 29, 2022 to file an amended complaint.

On July 1, 2022, the Court received a letter addressed to the Clerk of Court, dated June 24, 2022, asserting “the chief clerk, the deputy clerks and judges are aiding and abetting the corporation of Mo. by not moving quickly[.]” ECF No. 6. He explained he did not submit an inmate account statement because the “ERDCC takes the federal enclave court of Eastern Mo. as a joke.” Plaintiff also asserted that paying a filing fee for initiating this case is violative of the State and Federal Constitutions because he “never consciously went into any contracts with Mo. or U.S. of A.” On the same date, plaintiff filed a second motion for appointment of counsel. ECF No. 5. On July 7, 2022, the Court denied his second motion for appointment of counsel without prejudice.

To date, plaintiff has not complied with the Court’s June 29, 2022 Memorandum and Order, nor sought additional time to do so. The Court gave plaintiff meaningful notice of what was expected, provided detailed instructions on how to file an amended complaint, cautioned him that his case would be dismissed if he failed to timely comply, and gave him additional time. Therefore, this action will be dismissed without prejudice for failure to comply with the Court’s Order and failure to prosecute his case. *See Fed. R. Civ. P. 41(b); see also Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff’s failure to comply with any court order); *Dudley v. Miles*, 597 F. App’x 392 (8th Cir. 2015) (per curiam) (affirming dismissal without prejudice where self-represented plaintiff failed to file an amended complaint despite being cautioned that dismissal could result from failure to do so). This dismissal

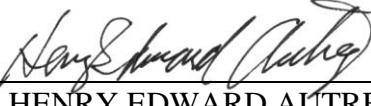
will not count as a “strike” for purposes of 28 U.S.C. § 1915(g).

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 17, day of August, 2022.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE